

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

MATTHEW TASSONE,

Petitioner,

: Case No. 2:20-cv-5234

- vs -

District Judge Sarah D. Morrison
Magistrate Judge Michael R. Merz

THE HONORABLE ELIZABETH GILL,
Judge, Franklin County Court of Common
Pleas, Domestic Relations Division

:

Respondent.

REPORT AND RECOMMENDATIONS

This habeas corpus case is before the Court on Motion of Ohio Attorney General Dave Yost to dismiss him as a respondent in this case because he has neither present nor potential future custody of the Petitioner (ECF No. 9). The Magistrate Judge notified Petitioner that he had until December 28, 2020, to file any opposition he might have to that Motion (Notice to Pro Se Petitioner, ECF No. 10).

Petitioner has failed to file any opposition to the Motion and the Magistrate Judge finds it is well taken. Attorney General Yost is not a proper party respondent and the case should be dismissed as to him without prejudice.

December 29, 2020.

s/ Michael R. Merz
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal.